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DOCKET NO. D-2006-043 CP-2

DELAWARE RIVER BASIN COMMISSION

Drainage to Special Protection Waters

**Pocono Manor Investors PT1, LP
Pocono Manor Groundwater Withdrawal
Pocono Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Pennoni Associates, Inc. on behalf of Pocono Manor PT1, LP to the Delaware River Basin Commission (DRBC or Commission) on April 8, 2013 for a modification of service area and the renewal of an allocation of groundwater and renewal of a groundwater water withdrawal project (Application). The project was previously approved by the Commission on March 12, 2008.

The Application was reviewed for inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 7, 2013.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to approve a modification of the project's service area approved in docket D-2006-43-1 and to approve a withdraw up to 12.71 million gallons per month (mgm) of groundwater to the docket holder's existing and proposed public water supply distribution system from existing Wells Nos. 1, 2 and 3. As discussed in Section B. FINDINGS of this docket, the docket holder is restricted to a water withdrawal of up to 9.82 mgm until it has received written approval of the DRBC Executive Director. The allocation is a reduction in the previously approved allocation due to the elimination of a portion of the service area and its associated water demands.

2. **Location.** The three existing project wells are located in the drainage area to Indian Run and Swiftwater Creek in the Brodhead Creek Watershed, in Pocono Township, Monroe County, Pennsylvania within the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters. Swiftwater Creek is classified by the PADEP as High Quality (HQ) supporting Cold Water Fishes (CWF) and

migratory fishes (MF). Wells Nos. 1, 2 and 3 are completed in the Long Run Member of the Catskill Formation.

Specific location information has been withheld for security reasons.

3. Area Served. The docket holder's public water system will continue to serve 5 existing commercial facilities and 45 existing residential units located in the Village of Pocono Manor. These facilities are situated on an approximate 3,000-acre property located in Pocono Township, Tobyhanna Township and Mount Pocono Borough in Monroe County, Pennsylvania. Within the next 10 years, the docket holder plans to develop other portions of the property and extend the existing public water supply distribution system to serve these areas. The service area described in the previous docket (D-2006-043-1) included the total of approximately 3,000-acre property.

This docket approves a service area modification to remove approximately 360 acres of the docket holder's prior DRBC-approved service area. The area to be removed is located in Tobyhanna Township, Monroe County, Pennsylvania, and is proposed to be developed with two (2) commercial projects: 1) a proposed three-phased waterpark, hotel, and convention center project referred to as the Kalahari Resorts project; and 2) a commercial development by Pocono Manor Investors, LP. The area corresponds to the previously proposed Phase II-A and II-B development plan as included in the application for the previous docket (D-2006-043-1). These areas will no longer be served by the docket holder's public water system. Water will be provided by the Brodhead Creek Regional Authority (BCRA).

The modified service area, totaling approximately 2,680 acres is depicted on the plan entitled "Pocono Manor Water Service Area" by Pennoni Associates Inc., dated 3/29/2013, submitted with the Application. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical features.

a. Design criteria. The existing Pocono Manor Resort Area currently utilizes Well No. 1 as the primary water source, with Well No. 2 serving as a backup water supply. Well No. 3 is not used at this time, but will be needed when the proposed development is built. This docket retains the maximum withdrawal rate limitation of 300 gpm at Well Nos. 2 and No. 3, but restricts the docket holder to operating only one of the two wells at any one time.

The present average and maximum water demand of the system is 0.06 million gallons per day (mgd) and 0.09 mgd, respectively. This existing demand plus the proposed development of 1,160 additional residential connections in Phase III results in a 10-year projected average and maximum daily water demand of 0.295 mgd and 0.443 mgd, respectively.

b. Facilities. The existing project wells have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
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WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
1	unknown	unknown	70 gpm	unknown
2	155 ft	100 ft / 12" outer lining 96 ft / 8" inner lining	300 gpm	7/26/2001
3	411 ft	100 ft / 12"	300 gpm	7/26/2006

All water service connections will be metered.

All wells are metered.

Prior to entering the distribution system, the water will be treated by disinfection and pH adjustment.

The project wells are above the 100-year flood elevation.

The water system is not presently interconnected with any other utilities.

c. **Other.** Wastewater in the project's modified service area is/will be conveyed to the docket holder's Pocono Manor Wastewater Treatment Plant (WWTP) most recently approved by DRBC Docket No. D-2006-026 CP-2 on May 10, 2012. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0029149 for this project on December 14, 2011.

On April 8, 2013, the docket holder filed an application (Docket No. D-2006-026 CP-3) to modify the service area in its existing discharge Docket No. D-2006-026 CP-2 consistent with the amendments to the service area approved in this docket. A draft docket for the wastewater discharge (Docket No. D-2006-026 CP-3) has been prepared and is also being considered by the Commission at its May 7/8 meetings. BCRA will provide the public water supply (Docket No. D-1991-001 CP-2, which requires the Commission's approval of a docket amendment), and the wastewater treatment under Docket No. D-1986-011 CP-3 (being considered at the May 7/8 meetings) to the Tobyhanna Township developments removed from this docket holder's service area.

d. **Relationship to the Comprehensive Plan.** The project was not previously included in the Comprehensive Plan. The project will be included in the Comprehensive Plan effective on the date of approval of this docket.

B. **FINDINGS**

The docket holder's December 4, 2006 groundwater application request was based upon the site being developed as a resort/casino. The plans submitted included a hotel, arena, casino, convention center, retail dining and entertainment village, a new golf course and 450 units of timeshares or extended stay rentals (golf villas) and associated appurtenances.

On October 17, 2007, the docket holder submitted an amended application after the state did not approve a gambling license for the Pocono Manor site. The amended groundwater withdrawal application requested approvals for the water supply for existing facilities (5 commercial and 45 residential), 60 new residential connections (part of Phase I), Phase II-A (15 commercial connections) and Phase III (1,100 residential connections) of the docket holder's development plans. The projected 10 year demands include the completion of Phase II-B, which will consist of approximately 450 residential connections and 10 commercial connections. The total estimated number of connections for Phases II-A, II-B, and III are 1,655 residential and 30 commercial. The amended application reduced the requested groundwater withdrawal request from 30.24 mg/30 days to 17.28 mg/30 days. Simultaneous operation of Well Nos. 2 and 3 was not allowed in DRBC Docket No. D-2006-043-1. Docket No. D-2006-043-1 also limited the withdrawal to the combined total from Well Nos. 1 and 2 and Well Nos. 1 and 3 to 370 gpm or 15.984 mg/30 days (16.52 mgm).

On April 8, 2013, the docket holder submitted an application requesting a modification (reduction) to the project's service area. The docket holder did not request any changes to the previously approved withdrawal capacity as this capacity would be used for other development activities currently planned for the Pocono Manor Property. In addition, no back-up information justifying the retention of the existing allocation was provided to the Commission.

Projected water demands for the development areas of the project were provided to the Commission in a letter dated January 30, 2008. The total projected average demand of the project was 0.415 mgd. The service area removed by this docket consisted of the Phase II-A and II-B development areas. The total projected water demand of Phase II-A and II-B was 0.120 mgd. The Commission staff calculated the projected demand of the retained service area at 0.295 mgd (0.415 mgd – 0.120 mgd). The previous requested allocation of 17.28 mg/30 days was approximately 39 percent greater than the projected average demand. Using the same peaking factor, results in a DRBC projected maximum demand of 12.71 mgm (0.41 mgd).

In its application for Docket No. D-2006-043-1 the docket holder requested a modification to the allocation associated with Well No. 2. Well No. 2 was installed in 2001 and is currently permitted by PADEP as a Public Water Supply with a capacity of 150 gallons per minute (gpm). Well No. 2 currently functions primarily as a back-up to Well No. 1. Well No. 1 is permitted at a capacity of 70 gpm. Step-rate and constant rate pumping tests in 2004 suggested a maximum safe yield of 300 gpm for Well No. 2. A 72-hour duration pumping test of Well No. 2 was also conducted in January 2006. The test continuously pumped Well No. 2 at an average rate of 300 gpm. Water levels were measured during the test at Well No. 2 and at six on-site observation wells (Wells 1, 1A, TB-3, TB-2, House Well, and Laundry Well).

While the docket approves an allocation of up to 12.71 mgm, the docket holder is restricted to the current state-approved rate of up to 70 gpm and 150 gpm at Well Nos. 1 and 2, respectively and a total system allocation of 9.82 mgm until it obtains approval from the state and the written approval of the Executive Director. The increase in the system allocation up to 12.71 may be approved by the DRBC Executive Director after the docket holder makes application and receives approval from the PADEP to increase the pumping rate at Well No. 2 from 150 to 300 gpm. Additionally, Well No. 3 cannot be used until the docket holder makes

application and receives approval from PADEP and receives of the written approval from the Executive Director. The Executive Director may authorize the approval of Well No. 3, with no increase in the total system allocation of 12.71 mgm. Any increase in water withdrawal requires the docket holder to make application for docket amendment to the Commission and receive Commission approval.

In 2006, the docket holder demonstrated that the pumping of Well No. 2 at 300 gpm had no measurable impacts on adjacent wetlands or Indian Run Streamflow, and may have caused a minor reduction in the flow from Kettle Spring. Additionally, the docket holder's pump test indicated that the pumping of Well No. 2 resulted in a drawdown of 1-2 feet in monitoring wells TB2 and TB3 (the wells recovered during the pump test due to rain event), a potential interference with the House Well, and no observed impacts on Well Nos. 1, 1A and the Laundry Well. The docket holder estimates a drawdown of 3 feet in the House Well as a result of pumping Well No. 2 at 300 gpm.

The docket holder requested to continue to include new Well No. 3 for the Pocono Manor Development area. It is located in close proximity to Well No. 2. Well Nos. 2 and 3 are not intended to be operated concurrently. The docket holder performed a 72-hour duration step/constant rate pumping test for Well No. 3 in September 2006. The steps consisted of 260 gpm, 330 gpm, 400 gpm and 550 gpm, with each step lasting approximately 1 hour. A rate of 500 gpm was initially selected for the duration of the 72 hour pump test; however, after 400 minutes at 500 gpm, the pumping rate was reduced to 400 gpm in order to maintain the pumping level above the water-producing zones of the well. Water levels were measured during the test at Well No. 3 and eight on-site observation wells (Wells 2, 1A, TB-3, TB-2, Kettle Spring Well, Laundry Well, and Swiftwater wells TW-1 and TW-2).

The docket holder indicates that the pumping of Well No. 3 at 400 gpm had no measurable impacts on adjacent wetlands or Indian Run Streamflow and a minor reduction in Kettle Spring Flow. The docket holder also indicated that the pumping of Well No. 3 resulted in drawdowns at Well Nos. 2, TB2, TB3 and Kettle Spring Well (17.56 ft, 6.79 ft, 10.64 ft, and 8.17 ft respectively). The estimated radius of influence for Well No. 3 at 400 gpm is about 1,000 ft.

The docket holder is approved to withdraw a total of 70 gallons per minute (gpm) from Well No.1. Additionally, the docket holder is approved to withdraw a total of 150 gpm from Well No. 2. Upon the docket holder's receipt of written approval from the PADEP and the Executive Director to increase the pumping rate for Well No. 2 from 150 to 300 gpm and/or the approval of Well No. 3, the docket holder is restricted to up to 150 gpm from Well No. 2.

WELL NO. 1	WELL NO. 2	WELL NO. 3	WELL NO. 1 (GPM)	WELL NO. 2 (GPM)	WELL NO. 3 (GPM)	WELL NO. 1 MG / 30 DAYS	WELL NO. 2 (MGM)	WELL NO. 3 (MGM)
Operating	Operating	Not Operating	70	300	0	3.125	12.71	0

WELL NO. 1	WELL NO. 2	WELL NO. 3	WELL NO. 1 (GPM)	WELL NO. 2 (GPM)	WELL NO. 3 (GPM)	WELL NO. 1 MG / 30 DAYS	WELL NO. 2 (MG)	WELL NO. 3 (MG)
Operating	Not Operating	Operating	70	0	300	3.125	0	12.71

Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of Special Protection Waters. The wells providing water supply to the docket holder are located within in the drainage area to the Special Protection Waters. Since this project does entail additional construction and expansion of facilities and service areas (i.e., there are new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is applicable at this time. Accordingly, Special Condition II. y. has been included in the Decision section of this docket.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to

implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31 every year.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2006-043 CP-2 below:

a. Docket No. D-2006-43-1 is terminated and replaced by Docket No. D-2006-043 CP-2.

b. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its Public Water Supply Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC

d.i. During any month, the withdrawal from the project wells shall not exceed 9.82 million gallons (0.3168 mgd). No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
No. 1	70	3.125
No. 2	150	6.696

d.ii. Upon written request to the Executive Director and receipt of an approval of an application by PADEP, the Executive Director may approve an increase in the total withdrawal from Wells Nos. 1 and 2 to up to 12.71 mgm. Upon approval, no well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below.

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
No. 1	70	3.125
No. 2	300	12.71

d.iii. The docket holder shall not use Well No. 3 until it makes application to and receives approval from PADEP and written approval from the DRBC Executive Director. The use of well No. 3 will be restricted to 300 gpm and shall not be operated when well No. 2 is in operation. In no case will the total allocation of Wells Nos. 1, 2 and 3 be increased to greater than 12.71 unless an application is submitted to and approved by the Commission.

e. All wells shall be equipped with readily accessible capped ports and drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and drop pipes as repairs or modifications are made at each existing well.

f. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

g. The docket approval for Well No. 3 shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

h. The docket holder has submitted a Kettle Spring Monitoring Plan to the Commission. The plan is currently being reviewed by staff. Within 90 days of docket approval, the docket holder shall implement the monitoring as directed in an approved plan.

i. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

j. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

k. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

l. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

m. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

n. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31 every year.

o. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

p. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

q. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

r. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

s. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

t. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

u. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

v. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

w. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Section at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In

addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

x. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

y. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

z. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

aa. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE:

EXPIRATION DATE: May 8, 2023